

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL JOSEPH COOKSEY,

Defendant.

Case No. 3:19-cr-00014-SLG-DMS

**ORDER RE FINAL REPORT AND RECOMMENDATION TO GRANT IN PART  
AND DENY IN PART DEFENDANT'S MOTION TO SUPPRESS STATEMENTS**

Before the Court at Docket 20 is defendant Michael Joseph Cooksey's Motion to Suppress Statements. The government responded in opposition at Docket 25. The motion was referred to the Honorable Magistrate Judge Deborah M. Smith. At Docket 56, Judge Smith issued her Initial Report and Recommendation, in which she recommended that the motion be granted in part and denied in part. The government objected to the Initial Report and Recommendation at Docket 58, to which Mr. Cooksey replied at Docket 59. Judge Smith issued her Final Report and Recommendation at Docket 61, in which she recommended that the motion be granted in part and denied in part.<sup>1</sup> No objections to the Final Report and Recommendation were filed.

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<sup>1</sup> The Magistrate Judge changed her recommendation with respect to the suppression of that portion of Government Exhibit 11 that begins at 16:15. The Final R&R recommends that the motion to suppress be denied as to that portion of the exhibit, and the Court adopts the Final R&R's recommendation. See Final Report, Docket 61 at 15-17.

The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1). That statute provides that a district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.”<sup>2</sup> A court is to “make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.”<sup>3</sup> But as to those topics on which no objections are filed, “[n]either the Constitution nor [28 U.S.C. § 636(b)(1)] requires a district judge to review, de novo, findings and recommendations that the parties themselves accept as correct.”<sup>4</sup>

The Magistrate Judge recommended that the Court grant in part and deny in part the Motion to Suppress Statements. The Court has reviewed the Final Report and Recommendation and agrees with its analysis. Accordingly, the Court adopts the Final Report and Recommendation at Docket 61, and IT IS ORDERED that the Motion to Suppress Statements at Docket 20 is granted in part and denied in part as set forth at Docket 61.

DATED this 2nd day of October, 2019, at Anchorage, Alaska.

/s/ Sharon L. Gleason  
UNITED STATES DISTRICT JUDGE

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<sup>2</sup> 28 U.S.C. § 636(b)(1).

<sup>3</sup> *Id.*

<sup>4</sup> *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003); see also *Thomas v. Arn*, 474 U.S. 140, 150 (1985) (“It does not appear that Congress intended to require district court review of a magistrate’s factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings.”).